



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL SPECIAL MEETING

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 26, 2011

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, Van Pearlberg,
Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Tumlin called the meeting to order at 7:12 p.m.

BUSINESS:

20101328 Z2011-01 Amanda S. Kirk 1395 Cobb Parkway North

[Ord 7515](#)

Z2011-01 [REZONING] THE WILLIAM W. SCOGIN, JR. FAMILY INVESTMENTS, LLLP (AMANDA S. KIRK) request rezoning for property located in Land Lot 09340, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 1395 Cobb Parkway North from CRC (Community Retail Commercial) to CRC with additional use (Community Retail Commercial with additional use). Ward 4.

City Attorney, Douglas Haynie, re-opened the public hearing. Mr. Haynie then explained the rules of order and swore-in those wishing to speak.

Property owner, Amanda Kirk, requested rezoning for property located at 1395 Cobb Parkway North from CRC (Community Retail Commercial) to CRC with additional use (Community Retail Commercial with additional use).

Discussion was held regarding the rezoning and variance request.

Mr. Haynie closed the public hearing.

A motion was made to approve the rezoning request with the following stipulations:

- 1) The Tree Protection and Landscaping requirements shall be waived to allow the currently developed building and property to remain as-is.*
- 2) The stipulation should be discontinued upon the redevelopment of the site.*

The motion was made by Council member Lewis, seconded by Council member Pearlberg, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

20101329 Z2011-02 Petroleum Realty V, LLC (David Malone) 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)

Ord 7516 Z2011-02 [REZONING] DAVID MALONE request rezoning for property located in Land Lot 12060, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1912 Lower Roswell Road from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 6.

City Attorney, Douglas Haynie, re-opened the public hearing and swore-in those wishing to speak.

Property owner, David Malone, requested rezoning for property located at 1912 Lower Roswell Road from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)].

Discussion was held regarding the rezoning and variance request.

Mr. Haynie closed the public hearing.

A motion was made to approve the rezoning request with the following stipulations:

- 1) A wooden privacy fence constructed between the residential areas.*

The following variances are incorporated as conditions of zoning and should be discontinued upon the redevelopment of the site:

- Variance to reduce the required buffer from 40 feet to 0 feet.*
- Variance to allow the continuance of a nonconforming pylon sign.*
- Variance to increase the allowable impervious surface from 80% to 100%.*
- Variance to reduce the required landscaped area from 15% to 0%.*
- Variance to waive all Tree Protection and Landscaping requirements to allow the property remain as-is.*

The motion was made by Council member King, seconded by Council member Sinclair, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

20101330 A2011-01 Petroleum Realty V, LLC (David Malone) 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)**Ord 7517**

A2011-01 [ANNEXATION] PETROLEUM REALTY V, LLC request annexation for property located in Land Lot 12060, District 16, Parcel 0080, and being known as 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road), 2nd Section, Cobb County, Georgia consisting of .86 acres. Ward 6.

City Attorney, Douglas Haynie, re-opened the public hearing. Seeing no one wishing to speak the public hearing was closed.

A motion was made by Council member King, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

20101331 CA2011-01 David Malone 1912 Lower Roswell Road (a/k/a 1944 Lower Roswell Road)**Ord 7518**

CA2011-01 [CODE AMENDMENT] DAVID MALONE in conjunction with the requested annexation of property located in Land Lot 12060, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 6.

City Attorney, Douglas Haynie, re-opened the public hearing. Seeing no one wishing to speak the public hearing was closed.

A motion was made by Council member King, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

20101252 Personal Care Homes and Assisted Living Facilities**Ord 7513**

Approval of an Ordinance amending the Comprehensive Development Code of the City of Marietta, Division 708.01 (B), Division 708.02 (B), Division 708.03 (B), Division 708.04 (B), Division 712.02 (B) and Division 724.02, regarding group homes and personal care homes.

City Attorney, Douglas Haynie, re-opened the public hearing.

Planning and Zoning Manager, Rusty Roth, gave an overview of the proposed amendment to the Comprehensive Development Code regarding group homes and personal care homes.

Seeing no one wishing to speak regarding this matter, the public hearing was closed.

A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

20101354 V2011-01 Burnt Hickory, LLC (William R. Candler) 800 Whitlock Avenue

Motion to approve the following variances for property located in Land Lot 12240, District 16, Parcel 0560 and being known as 800 Whitlock Avenue:

1. Variance to reduce the required street trees along Whitlock from 16 to 12 [Section 712.08 Table G];
2. Variance to allow eleven (11) Crape Myrtle trees to be allowed to remain in planter islands. Crape Myrtle trees are not included in the list of acceptable tree species [Section 712.08(L); Table G].

City Attorney, Douglas Haynie, called forward those wishing to speak regarding this matter.

Property owner, William Candler requested variances for property located at 800 Whitlock Avenue. The following variances were requested:

- 1) Variance to reduce the required street trees along Whitlock from 16 to 12;*
- 2) Variance to allow eleven (11) Crape Myrtle trees to be allowed to remain in planter islands. Crape Myrtle trees are not included in the list of acceptable tree species.*

Discussion was held.

Motion to approve the variance request and to amend the printed motion to read, "Variance to allow eleven (11) Crape Myrtle trees to be allowed to remain in planter islands...."

The motion was made by Council member Chalfant, seconded by Council member Sinclair, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Amended

20101189 Z2010-12 MRW Properties, LLC 313 Marble Mill Road

Z2010-12 [SPECIAL LAND USE PERMIT] MRW PROPERTIES request a Special Land Use Permit for property located in Land Lot 1005, District 16, Parcel 0280, 2nd Section, Marietta, Cobb County, Georgia and being known as 313 Marble Mill Road in order to operate a vehicle towing company at this location. The property is currently zoned HI (Heavy Industrial). Ward 5.

City Attorney, Douglas Haynie, re-opened the public hearing and swore-in those wishing to speak.

Melissa Haisten, attorney for the applicant, requested a Special Land Use Permit for property located at 313 Marble Mill Road in order to operate a vehicle towing company at this location. Mrs. Haisten explained that the property is currently zoned HI (HeavyIndustrial). Mrs. Haisten also outlined stipulations agreed to by the applicant and shown in the Letter of Stipulations dated November 29, 2010.

(Council member Coleman disclosed that one of the residents wishing to speak was his mother, Juanita Carmichael)

Those expressing concern regarding the proposed Special Land Use Permit include:

Shirley Hammond, who resides at 985 James Street, Marietta.

Joe Hardin, who resides at 915 Lee Drive, Marietta.

William and Phyllis Baker

Juanita Carmicheal, who resides at 1008 James Street, Marietta.

Discussion was held regarding the residence concerns and other allowable uses for the property as zoned Heavy Industrial.

Mayor Tumlin closed the public hearing.

Further discussion was held regarding drainage issues on the property.

Mayor Tumlin recessed the Special Called meeting at 8:50 p.m., and reconvened at 9:05 p.m.

Motion to table this matter until the February 9, 2011 City Council meeting for further discussion.

The motion was made by Council member Sinclair, seconded by Council member King, that this matter be Tabled. The motion carried by the following vote:

Vote: 4 - 0 - 0 Tabled

Absent for the vote: Annette Lewis, Grif Chalfant, Rev. Anthony Coleman

ADJOURNMENT:

The meeting was adjourned at 9:09 p.m.

Date Approved: _____

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk